

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRADLEY JASON KERNS,

Defendant.

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Case No. CR-20-319-C

ORDER

This matter is before the Court on the Defendant's Unopposed Motion to Continue Jury Trial. [Doc. 17]. The Court finds the motion should be granted.

The Court finds the seventy day time limit in the Speedy Trial Act is not implicated by a continuance of this case to the May 2021 jury trial docket based on Western District of Oklahoma General Orders 20-27, 21-1, and 21-3. Even if the time limits specified in the Speedy Trial Act were implicated, the Speedy Trial Act gives this Court the discretion to Accommodate limited delays for case-specific needs.@ *Zedner v. United States*, 547 U.S. 489, 499 (2006). The Court finds the denial of the motion under the facts of this case would unreasonably deny the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence by counsel.

The facts of this case justify an ends of justice determination that a continuance to the May 2021 jury trial docket Aoutweighs the *best interest of the public* and the defendant in a speedy trial.@ *United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009), *citing*

18 U.S.C. '3161(h)(7)(A). The period of delay caused by the granting of the motion to continue on this ground is excludable for purposes of the Speedy Trial Act. *See 18 U.S.C. '3161(h)(7)(B)(iv)*. This case is continued to the Court's May 2021 jury trial docket.

DATED this 1st day of March 2021.


ROBIN J. CAUTHRON
United States District Judge